



RESEARCH ARTICLE

# Licenses to retain in Tudor England, 1541–1585

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## Abstract

Late medievalists have shown that retaining was central to English political society in the fourteenth and fifteenth centuries. They have also debunked the myth that Henry VII sought to end noble retaining and shown that such practices continued into the sixteenth century. Despite this, there has been no focused examination of licenses that Edward VI, Mary I and Elizabeth I granted to select individuals permitting them to retain beyond those categories of servants specified in early acts. These licenses are a unique and under-explored source base that allows questions normally posed by medievalists to be posed for the early modern period. This article examines 138 licenses between 1541 and 1585, identifying the patterns of such grants and their role in understanding the crown's use of noble and gentry retaining in the mid sixteenth century. The reason for each grant differed but all recipients were deemed useful to the crown for various reasons, illustrating the continued collaboration between crown and nobility into the sixteenth century. Throughout, this article emphasises the implications of licenses to retain for understanding the attitude of the English crown to the private power of nobles and gentry over the *longue durée*.

## 1. Introduction

On 12 April 1550, Edward VI granted licenses to retain to 31 individuals that allowed each recipient to retain a specified number of men in addition to those categories of servants permitted by existing statutes.<sup>1</sup> An entry from Edward VI's journal noted this unusual event: 'licenses signed for the whole counsel, and certaine of the privi chamber, to kepe amonge them 2290 (*above is written* 2340) retainer'.<sup>2</sup> The revised arithmetic is impeccable and the cause of the initial error of 2290 could be explained either by an additional license for fifty men being added later that day or two licenses of twenty and thirty respectively.<sup>3</sup> This entry illustrates the close oversight that the king, or more accurately those around him, particularly his uncle John Dudley, earl of Warwick and later duke of Northumberland, had of those who had been granted such licenses.<sup>4</sup>

Such licenses had existed for at least half a century by the time the mass grant occurred. The earliest reference to licenses to retain is in the 1504 Retaining Act which stated that those who retained individuals 'by the vertue of the kynges

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plagart or writyng signed with his hand and sealed with his prevy seale or signet' would not be punished.<sup>5</sup> In this context, retaining was the process whereby lords rewarded their servants with fees and annuities, making the lord-follower relationship seem temporary and contractual. The act itself did not initiate the practice of licensed retainers but clarified the position of those licenses in relation to existing laws on retaining, which were determined by a series of acts between 1390 and 1504.<sup>6</sup> The scale of the grants made on 12 April 1550 was unprecedented. Previous grants of licenses were limited to only a few individuals at a time. Henry VIII had granted six between 1541 and his death, while the king's uncle, the duke of Somerset was granted a license to retain 200 men on 17 May 1547, a few months after becoming Protector.<sup>7</sup>

This mass granting of licenses to retain has attracted little attention from Tudor historians. For instance, it is not discussed in Jennifer Loach's biography of Edward VI or Stephen Alford's study of Edward VI's kingship, despite many of the key events surrounding the grants of licenses to retain, along with various recipients, being important aspects of both studies.<sup>8</sup> The event has been briefly mentioned by some, including David Loades in his biography of John Dudley, duke of Northumberland. For Loades, these licenses were a security mechanism through which Northumberland's regime could quickly deal with any new uprisings after those of 1549.<sup>9</sup> Others have briefly commented on the existence of such licenses in broader discussions of Tudor government.<sup>10</sup> As George Bernard neatly summarised: 'from the mid-century, licences to retain are recorded among the central government's records. What monarchs sought was a measure of control'.<sup>11</sup> Such assessments are uncontroversial but lack any discussion of the wider patterns of these grants. Analysing these patterns reveals important changes in the attitude of the English crown to the private power of nobles and gentry over the *longue durée*.

This article examines the 138 licenses to retain recorded in the patent rolls (the crown's copy of letters' patent that were open and expressed the king's will on a range of matters, including grants and appointments to offices) between 1541 and 1585. It first outlines how medieval and early modern historians have approached noble retaining practices and then discusses the terms of such licenses and the broader patterns of the grants. Finally, the article examines the Succession Crisis of 1553 and Elizabeth I's attitude to retaining as two case studies which illuminate the limits and potential of such licenses in Tudor England.

## 2. The historiographical divide

The limited attention given to licenses to retain is surprising because these grants lie at the heart of an issue fundamental to understanding the high politics of earlier centuries: the attitudes of the crown to retaining or 'bastard feudalism'. Andrew Spencer has pointed out that historians have generally used two definitions of bastard feudalism interchangeably: a narrow definition in which the nobles used their influence to dominate their localities; and a broader definition in which nobles moved away from traditional 'feudal' tenurial relations as a means of securing services to written indentures, cash payments or general promises of hospitality or 'good lordship'.<sup>12</sup> Late medieval historians have generally focused on this broader definition of bastard feudalism which this article follows.<sup>13</sup>

Approaches to understanding the crown's attitudes towards retaining have taken different forms depending on the available evidence. For Richard II and Henry IV, the focus has been the creation of noble-style affinities of followers and servants in the localities.<sup>14</sup> These affinities were the means through which bastard feudalism operated. Richard II's use of the royal affinity, in particular his Cheshire archers, alienated much of the polity and helped contribute to his downfall in 1399. The man who usurped him, Henry IV, had to deal with the problem of ensuring that his affinity while he was duke of Lancaster was accommodated within royal government.<sup>15</sup> These policies marked a shift from Edward III who was less inclined to use his retainers to influence local politics in the way his grandsons were.<sup>16</sup> Later in the fifteenth and early sixteenth centuries, crown attitudes towards retaining are better understood through prosecutions for retaining beyond the restricted categories of servants and the acts of parliament relating to them.<sup>17</sup> While there had been laws about the distribution of liveries in the reigns of Richard II and Henry IV, their impetus came from the Commons in parliament, rather than the crown-driven legislation of Edward IV and Henry VII.<sup>18</sup> Licenses to retain are a different type of source from those extant from earlier periods because they show those individuals whose retaining practices the crown encouraged.

Retaining in mid-to-late Tudor England has only been discussed in a few studies which took their cue from the revisionist work of the late medievalist K.B. McFarlane.<sup>19</sup> William Dunham's study of William, lord Hasting's indentured retainers examined a significant amount of sixteenth-century material, including some licenses to retain.<sup>20</sup> J.P. Cooper examined the sixteenth-century evidence in an illuminating paper that was only published posthumously in 1983 but which was initially delivered in the late 1950s with some subsequent additional material.<sup>21</sup> Although unfinished, the paper draws attention to a significant body of evidence and examples that have yet to be fully examined.<sup>22</sup> Some noble affinities and retaining have been examined subsequently but these tend to be isolated discussions rather than a coherent body of scholarship akin to that for the later Middle Ages.<sup>23</sup> There is no debate on the later years of retaining comparable to the rich historiography on the origins of bastard feudalism in the thirteenth and early fourteenth centuries.<sup>24</sup> In general, medievalists are attuned to examining the importance of retaining for political stability, or instability, while early modernists have almost regarded retaining as an archaic curiosity, leftover from the fifteenth century.

The fact that historians of the sixteenth century have never examined such licenses in any depth speaks to the often commented upon different research agendas of late medieval and early modernists. Steven Gunn pointed out that historians of fifteenth-century and sixteenth-century England operate within different interpretative frameworks, use different types of sources and, ultimately, are interested in answering different questions.<sup>25</sup> James Ross has spoken of a serious disconnect between late medievalists and early modernists which has exaggerated many contrasts before and after the Battle of Bosworth in 1485, in relation to crown-magnate relations.<sup>26</sup> Christine Carpenter offered an explanation on this based on a practical level: 'the teaching of English history normally divides at about 1500 and, life being short and pressure of work strong, late-medievalists tend not to be well versed in early-modern history and vice versa'.<sup>27</sup> There is much to be said for this

explanation which identifies the problem in pedagogical and epistemological terms, whereby historical knowledge has been packaged, conceptualised and then taught in a manner that emphasises the decades around 1500 as a key turning point.

Nevertheless, England in 1550 was a very different place than it was in 1450. Changes caused by the Renaissance, the Reformation, the development of the printing press and the increased reliance on permanent paid bureaucrats, as opposed to unpaid nobles, for the running of royal government altered the religious, social, economic and political life of England. These changes mean that there are numerous core concepts for historians working across the late medieval to early modern divide to grasp. Despite these differences, there remained much continuity between the two eras and the importance of noble power did not abruptly end with the coming of the Tudors. In this respect, Carpenter and Gunn, are surely correct to identify the influence of structures imposed on the past by modern educational trends and academic career structures as exacerbating these conceptual challenges. The problem, however, may have been overstated. For instance, Bernard has discussed the Tudor nobility in terms not unfamiliar to late medievalists noting that: 'since it was so obviously in their interests to maintain the political order and social harmony on which their privileged position stood, it should not be surprising that kings and nobles are best seen, when characterised in general terms, as natural and trusted partners in government'.<sup>28</sup> More pointedly, Simon Adams noted that sixteenth-century historians are not ignorant of late medieval historiography, including Carpenter's own work.<sup>29</sup> Indeed, the pressure placed upon academics to teach to a high standard beyond their specialism means that there is some understanding of work undertaken in other periods, though academic workload pressures may be a barrier full mastery of both historiographies.

### 3. The earliest license to retain and Henry VII's legacy

Little is known about licenses to retain before the 1540s, and few seem to have been issued. Some have reasonably speculated that close confidants of Henry VII such as the earl of Oxford, Edmund Dudley and Richard Empson received licences in the early years of the sixteenth century but the licenses themselves do not survive.<sup>30</sup> Thomas Lovell, one of the 'new men' that helped to shaped Henry VII's regime, had such a license because a list survives of 1,365 men whom he retained in 1508. Unfortunately, the original license has been lost or destroyed.<sup>31</sup> The earliest text of extant license to retain was for Henry VII's mother, Margaret Beaufort in 1505, which was not part of any systematic mechanism of oversight. It was enrolled on the plea rolls as part of a signet letter that pardoned her for any offences previously committed and 'graunted unto her to reteyne – and kepe reteyned unto her alle suche persons as be this daye reteyned'.<sup>32</sup> The dash is over an erasure which may have specified the number of individuals that Margaret could retain. Why the number was scrubbed out is uncertain, but one possible reason is that it might have unnecessarily complicated Margaret's existing arrangements. The pardon was a formality, intended to prevent the king's mother from any legal troubles associated with the fact that three men from Huntingdonshire and Cambridgeshire had been indicted for wearing her livery without being her household servants.<sup>33</sup> Margaret had not broken the law herself. There is nothing to

suggest that Margaret had given her livery to these men, or that she even knew they were wearing her livery. The case was probably an instance of individuals trying to pass themselves off as her servants without her knowledge.<sup>34</sup>

The license for Margaret Beaufort was sometimes misinterpreted as evidence that Margaret herself was indicted for illegal livery.<sup>35</sup> These misinterpretations assumed that Henry VII's reign marked a fundamental shift in the crown's views of the nobility which dispensed with the 'medieval' model of government which relied on unpaid nobles exercising power, ushering in 'early modern' government based on an increased permanent bureaucracy.<sup>36</sup> Much recent work on Henry VII has emphasised that he was a conventional late medieval monarch who needed the nobility to help govern, not the anti-noble monarch with a burning desire to crush the private power of the nobility. Henry VII innovated in some aspects of government, but much was a continuation of reforms that began under Edward IV.<sup>37</sup> Even in terms of retaining, most prosecutions were against members of the gentry rather than the peerage, though his reign witnessed the highest number of known indictments for illegal livery and retaining.<sup>38</sup> The astronomical fine of £70,650 levied against George Neville, lord Bergavenny, for illegal retaining in 1507, traditionally viewed as the quintessential example of Henry VII's anti-noble tendencies, has been shown to have been frequently taken out of context by historians. Henry VII's view was more ambivalent than historians have hitherto considered. For instance, lack of references to the fine in any contemporary chronicles and correspondences led James Ross to question whether 'contemporaries [were] not as concerned as modern historians by such ostensibly important legal events?'<sup>39</sup>

The historiographical consensus about Henry VII has changed. He is no longer viewed as the king whose anti-retaining stance paved the way for the growth of royal power and the diminishment of noble power. These changing interpretations of Henry VII's policies towards the nobility and retaining prompts a re-evaluation of later Tudor monarchs in this context, which can be gleaned from the grants of licenses to retain.

#### 4. Surviving licenses

When compared to the licenses to retain that survive in non-governmental sources, it appears that the 138 licenses recorded in the patent rolls represents, near enough, the real number of licenses granted. For instance, a copy of the license to Henry VIII's secretary, Sir Ralph Sadler in 1546 survives in family papers.<sup>40</sup> The licenses given to Robert Dudley in 1553 to retain 50 men, and in 1565 to retain 100 men, survive in his private papers.<sup>41</sup> Similarly, a copy of Thomas Wharton's license to retain 50 men survives within the Jervis papers at Hampshire Record Office.<sup>42</sup> The fact that licenses known to survive from private papers correspond to those found in the patent rolls should give some assurance that this dataset is as complete as possible.

A firmer source that suggests the patent rolls are comprehensive is a short note in the records of William Cecil that notes all those licenses granted during Mary's reign and the first thirteen years of Elizabeth's reign.<sup>43</sup> The document is three folios long and has a note in middle English on the top right hand corner describing it as

‘a note of all suche licences to retayne as haue passed and been graunted from the begynnyng of the raigne of the late queen Marye unto the begynnyng of the xiiiijth yeare of the raigne of queen that nowe is’. The rest of the document is in Latin, with licenses arranged by regnal year with the name of the recipient and the number of men they were permitted to retain. There are only a few discrepancies between this list and what can be identified from the patent rolls which suggests that it was compiled after a trawl of the patent rolls. In total, 53 licenses to retain are recorded in the note and 58 licenses are recorded in the patent rolls within the same time-frame.<sup>44</sup> Of the five licenses which were recorded in the patent rolls but not in Cecil’s note, two of these were for retaining one and three men respectively.<sup>45</sup> These cases are discussed in section 10 of this article because of their unusual nature. The three other licenses missed were for Sir Edward Wargrave, master of the wardrobe for 40 men on 8 August 1556; an undated license at some point in 1557–1558 for Reynold Pole, archbishop of Canterbury to retain 100 men; and John Leweston, ‘captain of Portlandes and lieutenant of the isles’ for 20 men on 27 February 1562.<sup>46</sup> The reason for these omissions is probably a scribal error. Indeed, one license included in the note stated the wrong number of men permitted to be retained. This was the license for Thomas, earl of Northumberland whose license on the patent rolls entitled him to retain 200 men while the record in the note stipulated that he could retain 100 men.<sup>47</sup>

These licenses in the patent rolls have been counted once before, by J.P. Cooper. What survives is his script from a series of papers given during the 1950s that is incomplete and lacking many footnotes.<sup>48</sup> Cooper’s figures differ slightly from those presented here. For Henry VIII, Cooper identified eight licenses but only six have been identified for this article. Cooper’s figures came from *Letters and Papers of Henry VIII*, which includes the patent rolls for the reign. These sometimes include references to licenses to retain in other documents. For instance, one entry in *Letters and Papers* is a letter from 1546 by the privy council addressed to three key diplomats, Stephen Gardiner, Thomas Thirlby and Sir Edward Carne discussing the position of the Emperor and the recent expedition to France. Included in the letter is ‘Curtpenning, who came hither to offer service, is retained to bring certain footmen.’<sup>49</sup> It is possible that Cooper misread such entries and included them in his overall figures. Once the patent rolls resume as a calendared series more reflective of their archival provenance, Cooper’s figures more clearly match those found here. For Edward VI’s reign, Cooper found 65 licenses, excluding one to Somerset in 1547, giving 66 licenses, one less than the figures presented here. Cooper’s figure of 39 licenses issued by Mary is one less than the 40 identified here. For Elizabeth’s reign, Cooper identified eleven licenses up until 1565 which is when the calendared patent rolls for her reign finished when Cooper was writing. The completion of the Elizabethan calendars mean it is now possible to say that 25 were issued by her.

Although some licenses to retain were issued in earlier decades, there is no surviving evidence of them being systematically recorded. Fuller record keeping is evident from 1541 and it is clear that what survives in the patent rolls thereafter is representative of the grants that were made. Precisely why the crown began taking a more active interest in keeping a record of these grants is uncertain.

## 5. The contents of the licenses

No set rules specified exactly who was entitled to a license, the number of individuals whom they could retain or any specific clauses. All of this was at the monarch's discretion. Nevertheless, some broad patterns are discernible. First, the number of men that a recipient was permitted to retain has a close correlation with their status, though the distinction was not absolute. The largest number permitted by any license was 200 men which happened on five occasions.<sup>50</sup> Two of those licenses were granted to Edward, duke of Somerset on 17 May 1547 and 5 June 1550 respectively.<sup>51</sup> The other three were granted by Mary: to Stephen Gardiner, bishop of Winchester and high chancellor on 19 November 1553; to Henry, earl of Arundel on 20 November 1553; and to Thomas, earl of Northumberland on 19 March 1558.<sup>52</sup> Thirty-seven licenses permitted individuals to retain 100 men. Most licenses, however, permitted a smaller number of individuals to be retained. For instance, 11 licenses permitted the retaining of 30 men and 28 licenses allowed 40 men to be retained (Table 1).

Many licenses did not allow the recipient to retain any of the monarch's servants or retainers. The calendar entries for 82 licenses include a clause forbidding the recipient from retaining any of the king's, or queen's, retainers or officials. Yet, the calendars do not systematically record this clause. For instance, the grant to Nicholas Throkmerton

**Table 1.** Number of the number of men permitted to be retained in licenses

Number of men allowed to be retained	Number of Licenses
1	1
3	1
10	6
12	3
16	1
20	16
24	2
25	2
30	11
40	28
50	13
60	9
80	2
100	37
200	5

Source: British Library, London, Lansdowne MS14/1 fols. 2–4; *CPR, 1547–1548*, 249; *CPR, 1549–1551*, 312, 326–7, 335, 416, 418; *CPR, 1550–1553*, 7, 26–7, 113, 285, 302, 347, 412; *CPR, 1547–1553*, 78–9, 92, 99, 100–1, 253–4, 298; *CPR, 1553–1554*, 79, 174, 282, 321, 390, 409; *CPR, 1554–1555*, 79, 282; *CPR, 1555–1557*, 18, 47, 73–4, 168, 181, 224, 228–8, 252, 280–1, 294, 487, 510, 517, 547; *CPR, 1557–1558*, 4, 104, 306, 311, 423; *CPR, 1558–1560*, 352; *CPR, 1560–1563*, 130, 239, 271, 334, 338, 510, 530, 533, 623; *CPR, 1562–1566*, nos. 1009, 1055, 1057–8, 1141, 1694; *CPR, 1569–1572*, nos. 79, 1803, 2681, 2698, 2941, 3150; *CPR, 1572–1575*, no. 411; *CPR, 1575–1578*, no. 2562; *CPR, 1584–1585*, no. 908.



includes a clause, not recorded in the calendar, stating the grant 'shall not extende to authorise hym to take or retheyne into his seruyce any or oure servauntes beinge namyd in oure cheker roll nor any other being sworne or retynd to serve us as our servaunte or servauntes'.<sup>53</sup> Such clauses reiterated an act of 1487 that prohibited the retaining of the king's men and was the basis for many letters Henry VII sent out to duchy of Lancaster officials.<sup>54</sup> They were by no means anachronistic by the mid sixteenth century. In Edward VI's reign, the dukes of Somerset and Northumberland each ensured that they had 'special men in every shire' that created important lines of communication between the centre and the localities. An estimated 1,200 stewardships across England enabled the development of these connections.<sup>55</sup> Royal retainers were a key conduit between the crown and the localities, necessary for the dynastic security which explains the inclusion of clauses reiterating the 1487 Act in licenses to retain.

Another variation was in the pardons given for previous offenses which are found in 99 of the licenses in the calendar. Such pardons covered one of three periods: any offences ever made; offences since the start of the reign; or a specific date, normally in the January of the year the license was granted. For instance, all licenses granted in April 1550 pardoned all offenses committed before 25 January that year.<sup>56</sup> Unlike the clauses relating to retaining the king's men, the calendars are more reliable on the inclusion of pardons. To give one example: the license to John Mason in 1552 did not include a pardon but did state that he 'may lawfully and withoute offence losse and damage forfeiture or other penaltie' retain 40 men beyond those normally permitted.<sup>57</sup> The inclusion of pardons or clauses similar to that in Mason's license were a legal formality to prevent any possible indictments against the recipients of the licenses.

## 6. Patterns of grants I: preamble

The decision-making process behind such grants is often unclear. Most grants give no indication about whether licenses were given in response to specific requests or if the crown imposed such grants, with corresponding obligations, on individuals. This problem is compounded by the fact there are no surviving lists of individuals retained because of a license to retain. Even the substantial records of Robert Dudley's extensive household give no indication about how these licenses were used. Dudley received a licence to retain 50 men in 1553 and another to retain 100 men from Elizabeth in 1565.<sup>58</sup> Yet, the list of servants receiving livery caps in 1560, a list of recipients for livery badges in 1567–1568 and a further list of recipients of livery cloths that same year, give no indication of those individuals being granted livery because of either of Dudley's licenses.<sup>59</sup> A rare exception in which there seems to have been some oversight was John Leweston's license to retain 20 men in 1562 'so long as he shall be captain and lieutenant of the [Portland] castle.' The license specifies an unusual level of oversight, stating that Leweston should 'give a list of those individuals to the justice of assize in Dorset once a year'. The justices had oversight of Leweston's activities noting that 'if they shall seem to the justices not worthy to be retained, the same may be altered'.<sup>60</sup> However, there is no surviving record of such a list for Leweston or any other individual granted a license. Despite the lack of sources showing how these licenses were used in practice, it is possible to determine how and why the licenses were granted by examining broader patterns.



## 7. Patterns of grants II: status and office

Forty-one licenses were given to peers: 18 to earls, 3 to dukes, 2 to marquises, 2 to viscounts and 16 to lords. Within this grouping, some individuals received multiple licenses. For instance, Edward, duke of Somerset obtained a license on 17 May 1547 to retain 200 men.<sup>61</sup> This was five days after his power as Protector were extended.<sup>62</sup> He was granted a new license on 5 June 1550, two months after his restoration to the council.<sup>63</sup> The majority of those licenses were granted to members of the gentry: 70 to knights, 7 to esquires and one to a gentleman.<sup>64</sup> Gentry retaining was common in the fifteenth century when it was the gentry's retaining practices that were the target of most prosecutions.<sup>65</sup> Here, gentry retaining was something encouraged by the crown, but only for specific individuals. Eighteen knights in receipt of a license had some role in the royal household, including Sir Thomas Cheyny, who had the dual role of warden of the Cinque Ports and treasurer of the household.<sup>66</sup> Six knights were royal councillors while one, Ralph Sadler, was Henry VIII's principal secretary.<sup>67</sup> However, there is no indication of any household or governmental role in 23 out of the 70 knights in receipt of a license. This again indicates that grants of licenses were made at the monarch's discretion with no formal explanation required.

Office holding provides a further possible indicator why someone received a license. Fifty-seven offices, or combination of two offices, are recorded in 90 of the licenses examined here. For the remaining 48 licenses no specific role is recorded. Many licenses seem to have been honorific rather than a concentrated attempt to build the local power of a particular individual. The licenses to Sir Edward Montague in 1550 for 40 men and Robert Catlyn in 1563 for 30 men as chief justices of the common pleas and the queen's bench respectively seem honorific, reflecting the status of the office holder.<sup>68</sup> Similarly, the license to William Cordell as solicitor general to retain 12 men in 1556 fits this pattern.<sup>69</sup> In these cases, the recipients did not have roles that required a large body of fighting men or even administrators, since many of the administrative tasks for such roles would have been performed by clerks already in employment. The simplest explanation for such grants was that these key offices in the legal system were deemed to be of a sufficient status for the holders to be granted a license to retain.

Forty-five licenses were granted to those in and around the royal household in various offices. This tendency was particularly evident during Edward VI's reign when nine licenses were granted to men dubbed 'king's councillor' and eight to those described as 'king's servant'.<sup>70</sup> Other members of the royal household had more defined terms such as Richard Freeston and Robert Rochester, cofferer and comptroller of the household respectively when they were granted licenses in 1556.<sup>71</sup> There is nothing, however, to suggest that licenses were automatically given to the holders of specific roles. For instance, a license to Sir Ralph Sadler permitted him to retain 100 men in 1550, when he was master of the great wardrobe, as part of Edward VI's mass granting of licenses.<sup>72</sup> His successor in the role, Sir Edward Walgrave was given a license on 8 August 1556, three years after becoming master of the great wardrobe.<sup>73</sup> Walgrave's successor, Sir John Fortescue of Salden, in contrast, does not seem to have received any license to retain.

### 8. Patterns of grants III: military use and the defence of the realm

One evident use of such licenses was to ensure that the crown had sufficient means to suppress internal dissent. Retaining was used to raise troops throughout the sixteenth century.<sup>74</sup> A surviving draft indenture to retain men from 1536–1537 does not name any particular individuals suggesting it was a template for other documents.<sup>75</sup> Measures for national defence as late as March 1590 exempted the retainers of noblemen from musters, presumably because the crown thought them better used in the military contingents of great nobles.<sup>76</sup> Yet, the trajectory from throughout the sixteenth century was away from the late medieval system, whereby nobles raised their wider affinities of tenants and retainers to drafts from county militia.<sup>77</sup> Indeed, experiments in reforms to recruiting armies stemmed from wider concerns about the quality of armies that England could produce for national defence.<sup>78</sup>

The numbers that the licenses permitted individuals to retain hardly indicates the desire to produce a standing army for offensive war. By the mid sixteenth century, the numbers required to wage offensive wars successfully were in the tens of thousands. For instance, estimates about the size of the English army that conquered Boulogne in 1544 are between 36,000 and 48,000 soldiers.<sup>79</sup> The army that conquered Boulogne was exceptionally large by English standards, but the smaller scale wars with Scotland still required armies of more than 10,000 soldiers with around 15,000 Englishmen being victorious at Pinkie (10 September 1547) and another invasion in August having around 12,000 men.<sup>80</sup> Given the size of armies Tudor monarchs needed for their foreign wars, the ability of a few individuals to retain normally a few dozen extra men beyond those whom they were already entitled to retain, would have made virtually no practical difference.

Many grants were intended to protect against domestic rather than foreign enemies, as evident in the license granted to Sir Henry Willoughby in 1518. Henry VIII made Willoughby a captain and permitted him to retain ‘a good and competent number’ of the king’s subjects.<sup>81</sup> The king went on to state this was because he ‘had t’assured trust and confidence in your fidelitie and true mynd towards us’. The license acknowledged the peace treaty with France noting that ‘we have peax and amitie with all outwarde princes’ while emphasising the need for domestic security: ‘entending the conservacion and continuance of our said reame in semblable restfulness and good peax’. Therefore, Willoughby was licensed ‘to retaigne a good and competent nombre of our subgiettes and the same to put in aredynesse, conveniently horsed and harneissed, to doo us service as wel within this our reame as elliswhere at our wages’ without any penalty. The license suggests that Willoughby was not alone in receiving this given the statement that Henry and his counsel ‘thought right, expedient and necessarie to depute and assigne a good number of hable captans’. Here, it should be noted that Willoughby’s license was issued not via a letters patent, but via the royal signet, a smaller seal which recorded decisions that came more directly from the king during the reigns of Henry VII and Henry VIII.<sup>82</sup> These letters do not seem to have been routinely kept at this time and what survives is in Willoughby’s private papers rather than the records of royal government. Presumably those given to other captains have been lost.

By 1518, Willoughby, then around 67 years old, was a long-standing royal servant with a recognised ability to raise troops. In 1512, he was ‘the most experience

member' of Henry VIII's short-lived Gascon expedition and was ordered, on 8 September 1511, to prepare as many men as possible for the expedition.<sup>83</sup> On 30 April 1512 he made an indenture with the king in which he was retained to serve under Thomas, marquis of Dorset, and to raise a retinue himself of 836 men.<sup>84</sup> This rather specific number may indicate this was the number of men that he had raised in response to his order the previous September. It most likely explains the rather vague formula of 'a good and competent number' of men that Willoughby's license permitted him to retain, which contrasts with those granted in the mid sixteenth century.

Ironically, another recipient of such a license in Henry VIII's early years was George Neville, lord Bergavenny, who is infamous for being indicted on multiple occasions for illegal retaining. Most spectacularly, Bergavenny was fined £70,650 in 1507 and placed under a bond prohibiting him from entering the coastal counties of Kent, Surrey, Sussex and Hampshire, without royal consent. Although the fine was not paid in full, it did render him in debt to the crown and the financial mercy of a royal whim.<sup>85</sup> In August 1512, Henry VIII granted Bergavenny license to retain as many men as possible in those same counties from which he was prohibited from entering five years earlier.<sup>86</sup> James Ross has noted the lack of overlap between those who served with Bergavenny in France in 1513 with those indicted for being illegally retained by him, emphasising that the military retinue was made up primarily of his tenants rather than his retainers.<sup>87</sup> Perhaps Bergavenny was hesitant about retaining a large body of men and this license reflects the king's attempts to reassure him.

The military value of licensed retainues lay in its benefits for defence of the realm, as shown by many who received licenses in the mid sixteenth century. This is most evident in the policy of creating bands of armed horsemen assigned to trusted members of the privy council between 1550 and 1552, which in effect created a small standing army.<sup>88</sup> Edward VI's journal includes an entry for December 1550 which names 13 nobles who were assigned these men-at-arms, all of whom had already received licenses to retain.<sup>89</sup> George Broke, lord Cobham, was one of those individuals and his career as a trusted military servant illustrates this wider strategy. Cobham was licensed to retain 100 men as the Deputy of Calais on 11 July 1550.<sup>90</sup> The Calais Act of 1536 gave Cobham a personal retinue of 41 men, yet by 1543 the exchequer was paying him £5,046 for 3 knights, 26 men-at-arms, 30 mounted archers, 200 men-at-arms on foot and 200 archers on foot.<sup>91</sup> Soon after this grant, Cobham relinquished his post as Deputy of Calais and became a regular at parliament and the royal council.<sup>92</sup> After these initial assignments of bands of armed men, it was not automatic that those nobles had a license to retain. For instance, the second earl of Rutland was not assigned a band in 1550 but later led a force in 1551 and 1552 but was not given a license to retain.<sup>93</sup>

These groups of men-at-arms were disbanded in 1552 because it became too expensive for the crown to continue to fund them.<sup>94</sup> After this, there are plenty of examples of individuals with important military responsibilities being granted licenses to retain. For example, William Brooke, lord Cobham, was granted a license to retain 80 men as warden of the Cinque Ports in 1565.<sup>95</sup> This was fewer than the 100 men that Sir Thomas Cheyne was permitted to retain in 1550, though Cheyne was also treasurer of the household when he was granted the license.<sup>96</sup> Edward, lord

Clinton was granted a license to retain 100 men on 16 June 1550,<sup>97</sup> one month after his appointment as high admiral.<sup>98</sup> Although losing his position as admiral at Mary's succession, he was reappointed to the role on 12 February 1558. Despite this reappointment, he was not granted a new license to retain until Elizabeth's reign when, on 24 April 1562, he was once again permitted to retain 100 men.<sup>99</sup> In contrast, Sir William Woodhouse was permitted to retain only 20 individuals as vice admiral when granted a license two month later on 4 June 1562.<sup>100</sup> This figure is more in line with other licenses granted to office holders whose role involved maritime defences. John Leweston was allowed to retain 20 men by a license granted in 1562, the same number as one of his successors, Edward Horsley, as captain of the Isle of Wight in 1572 which was 'for better defence of the castle'.<sup>101</sup> The common feature of these examples is that licenses were granted to individuals with significant responsibilities for national defence, but unlike the bands of armed men between 1550 and 1552, it did not place financial pressures on the crown.

England was not the only European state experimenting with methods of recruiting soldiers in the sixteenth century. Castile provides an interesting parallel with the English experience since, until the 1580s, soldiers were recruited by captains who had been appointed by the king. Such commissions specified the area from where men should be recruited, the purpose for recruitment and the number allowed to be recruited. It was illegal for anyone, including viceroys, to raise troops with the king expressly authorising it.<sup>102</sup> More broadly, across sixteenth-century Europe, armies were getting larger, more professional and had more sophisticated methods of recruitment, a development most famously dubbed 'the military revolution' by Michael Roberts.<sup>103</sup> The overall thesis has been vigorously debated and a thorough examination of it is beyond the scope of this article.<sup>104</sup> Nevertheless, states across Europe were using newer methods for raising armies. The period 1500 to 1550 witnessed the largest percentage increase in European state armies than at any point before the seventeenth century.<sup>105</sup> The English state was clearly concerned about the quality of its soldiers and sought to keep up with wider continental developments. The license to retain was not part of this picture because they were granted too infrequently, and the numbers permitted were too limited to create what could be described as a standing army. When used in a military context, they were only used for foreign wars briefly by Henry VIII and by the mid sixteenth century, their military use was to crush internal dissension. Licenses to retain in England were not part of any European military revolution or part of a new mechanism for raising troop. Instead, this was an adaptation from earlier methods used by the late medieval English crown.

## 9. Patterns of grants IV: churchmen

Five licenses were granted to archbishops and five were granted to bishops by virtue of their roles in royal government. The need for churchmen to retain men has long been recognised. Indeed, the earliest list of retaining fees date from the thirteenth century Ramsay Abbey and Christchurch Canterbury.<sup>106</sup> Laws in the fourteenth and fifteenth centuries considered ecclesiastical retaining practices which broadly followed those of secular elites.<sup>107</sup> When Cuthbert Tunstall, bishop of Durham and Thomas Thirlby, bishop of Ely, were granted licenses in April 1550, they

were described as ‘king’s councillors’.<sup>108</sup> The two bishops of Winchester who received licenses were Stephen Gardiner in 1553 when he was lord chancellor and Robert Horne in 1572 when he was prelate of the Order of the Garter.<sup>109</sup> It is within this context that five licenses were granted to serving archbishops, four of whom were archbishops of Canterbury and one was archbishop of York. Yet, there was no connection between becoming an archbishop and being granted a license, as evident in the table below detailing licenses granted to successive archbishops of Canterbury (Table 2).

The importance of royal service is illustrated in the case of Nicholas Heath, who was the only archbishop of York that received a license. Heath was permitted to retain 60 men on 7 July 1556.<sup>110</sup> This was Heath’s second license, since he had already been granted one allowing him to retain 10 men on 8 November 1553 when he was bishop of Worcester.<sup>111</sup> Heath was the only archbishop of York and the only bishop of Worcester to obtain such a license. Both licenses reflect the governmental roles that Heath had. He was president of the Council of Wales and queen’s councillor when he obtained his first license and was chancellor of England when, as archbishop of York, he received a license to retain 60 men. Sir Henry Sydney received a license to retain 40 men when he was President of the council of the Marches of Wales on 1 June 1560.<sup>112</sup> Heath’s predecessor as chancellor of England, Richard, Lord Rich, was allowed to retain 100 men by the license granted to him on 12 April 1550.<sup>113</sup>

## 10. Patterns of grants V: retaining of foreigners in towns

There is little indication of licenses to retain being given to leading townsmen. This marks a departure from medieval practices where there is evidence of townsmen both retaining and being retained.<sup>114</sup> The main instances of licenses being given in an urban setting was to foreigners. Four licenses relate to waged labour rather than the traditional lord-servant relationship. The first was granted to Sir Anthony Knyvett, porter of Calais, on 31 July 1542 which permitted him ‘to set up a brew house at Calais, brew beer and ale for his own household there “and otherwise”, and retain as many servants in livery, denizens or strangers, as he will.’<sup>115</sup> The fact that the number permitted to retain was unlimited suggests this was fundamentally different to the licenses given to members of the nobility.

**Table 2.** Grants to Archbishops of Canterbury

Archbishops of Canterbury	Consecration/Confirmation	Received License
Thomas Cranmer	30 March 1532	12 April 1550
Reginald Pole	22 March 1556	1557–1558 (Undated)
Matthew Parker	17 December 1559	26 May 1563
Edmund Grindal	29 December 1575	No license granted
John Whitgift	23 September 1583	25 October 1585

*Sources and notes:* These dates have been taken from E.B. Fryde, D.E. Greenway, S. Porter and I. Roy, eds., *Handbook of British chronology, 3rd edition* (Cambridge, 1986), 234; *CPR, 1549–1551*, 327; *CPR, 1557–1558*, 104–5; *CPR, 1560–1563*, 623; *CPR, 1584–1585*, no. 908.

Licenses designed to improve the quality of beer continued on 16 December 1542 when John Pope, the king's beer brewer, was licensed to retain 12 foreign born persons 'for the said feat of beer-brewing; notwithstanding the Act of Parliament, which directs that no one shall retain more than four strangers.'<sup>116</sup>

These types of licenses were used again by Elizabeth I, though for different specialist skillsets. On 8 July 1562, a London denizen and felt-maker Edmund Frances was issued a license under the privy seal to retain three individuals. The licenses specified that these were three foreign born individuals in addition to the two already retained so they could 'instruct the queen's subjects in the art of making and trimming felt'.<sup>117</sup> A second license was given to the merchant Thomas Lytherland from Donyngton in Berkshire and his son Robert permitting them to retain 'one foreign individual skilled in making of leaves of horn for lanterns.'<sup>118</sup> Neither of these licenses were included in the list of licenses to retain produced by Cecil in 1572.<sup>119</sup> Both instances must have been related to acts of parliament from the 1540s and 1550s that prohibited the retaining of journeymen and strangers by clothworkers, tailors and other professions.<sup>120</sup> These licenses to retain adapted a mechanism designed to give certain nobles and gentry special privileges in order to allow skilled foreign workers. The key thing here is that such licenses must have been of some benefit to Elizabeth otherwise they would not have been granted.

## 11. The succession crisis of 1553

The Succession Crisis of 1553 illustrates how retaining remained important during political conflicts. A full description of the crisis is not feasible here, but the key events to note are: Lady Jane Gray married Guilford Dudley on 21 May; the crown was settled on Jane on 16 June; Edward VI died on 6 July after a lengthy illness; Lady Jane Gray was proclaimed queen on 10 July; and she lasted nine days until she was ousted in favour of Henry VIII's eldest daughter Mary.<sup>121</sup> Many licenses were granted around key events in the Succession Crisis. Examining these licenses shows that retaining was a key mechanism used by both sides in this succession dispute in a similar manner to many late medieval episodes.

Edward VI's poor health from February 1553 onwards was the subject of much discussion.<sup>122</sup> On 5 May 1553, a man spreading rumours about the king's death had his ear nailed to the pillar at Cheapside, while two female accomplices had to stand on the pillar before being returned to prison.<sup>123</sup> The privy council was increasingly occupied by sedition and words spoken about the king, and his health, at this time.<sup>124</sup> Concerns about the king's health are key for understanding the granting of 15 licenses in the final few months of Edward VI's life, mainly to royal servants and members of the royal household with strong connections to the Dudley family. On 12 April, William Cecil received a license to retain 50 men.<sup>125</sup> In isolation, the license was unremarkable given Cecil's position as one the king's principal secretaries, since three previous secretaries had been given similar licenses.<sup>126</sup> Cecil was the only person who received a license to retain in these months who witnessed the 'Device' on 12 June which settled the succession of Lady Jane Grey.<sup>127</sup> A further six licenses were granted between 15 May and 24 May to various members of



the household and privy chamber, though no-one was granted a license on 21 May, the day of the marriage between Jane Grey and Guildford Dudley.<sup>128</sup> Three further licenses were granted on 17 June and a further five were granted on 4 July, just two days before the king's death.<sup>129</sup> An examination of the recipients of such licenses demonstrates this was part of a process of faction building in preparation for a possible armed conflict. Two of Northumberland's sons, John, earl of Warwick, and Robert received licenses to retain 100 and 50 men respectively on 17 June along with three other individuals.<sup>130</sup> Warwick's license is particularly noteworthy because the terms were the same as those in a license he had received three years earlier.<sup>131</sup> There is no evidence that the earlier license had expired or was rescinded which again speaks to the wider process of faction building at this time.

It is easy to place too conspiratorial an interpretation on these licenses. Indeed, David Loades has suggested that licensed retainers were designed to prevent popular unrest because they were 'no protection against a disaffected noble faction'. As such 'Northumberland was concerned with social discipline in the ordinary sense rather than preparing a fight for a crown'.<sup>132</sup> Given the general trend towards grants for those holding offices required for national defence, this interpretation initially appears plausible. Yet, the dating of these grants and the individuals in receipt of them does suggest a wider policy of faction building in which Northumberland laid the groundwork for excluding Mary Tudor from succeeding. Northumberland must have known that excluding Mary from the throne risked civil war and therefore needed to ensure he had sufficient support amongst the nobility and gentry who could expand their own private followings. The policy was clearly ineffective given the fact that Jane Gray reigned for only nine days and Mary became queen.

To understand Northumberland's tactics in 1553 it is worth noting a broad connection between the recipients of licenses and those who entered the privy council. Nineteen privy councillors appear for the first time when Northumberland was the leading figure in government, between the fall of Somerset and Edward VI's death.<sup>133</sup> Thirteen of those individuals were given a license to retain during Edward VI's reign, while two, Sir Richard Southwell and Henry Nevill, earl of Westmorland, were granted licenses by Mary.<sup>134</sup> Membership of the privy council under Northumberland did not automatically lead to the grant of a license, but there was a close correlation. Five of the seven who appeared for the first time before the mass granting of licenses on 12 April 1550 received a license either that day or shortly after.<sup>135</sup> Two further individuals who received licenses on 12 April 1550 were later members of the privy council: John Gate first recorded on 10 April 1551 and Sir John Cheke, first recorded on 2 June 1553. Others who joined under Northumberland received licenses in later years, such as John Mason who first appeared as a privy councillor on 19 April 1550 but only received a license to retain 40 men on 12 May 1552.<sup>136</sup> Similarly, Sir Philip Hoby was a privy councillor from 16 August 1551 and received a license on 10 May 1552.<sup>137</sup> Although there is no simple correlation, there is sufficient evidence to suggest that granting licenses to retain to trusted confidants was part of Northumberland's wider political strategy. When Edward VI became gravely ill it therefore made sense to continue this policy given the probability of further turmoil.

Northumberland's policy of granting licenses to retain was not a failure because retaining had become obsolete by the time of the Succession Crisis. Instead, it failed



because Mary and her supporters effectively mobilised her wider connections from East Anglia, Oxfordshire, Buckinghamshire and the Thames Valley, many of whom were part of the existing Howard affinity in the region. As Jennifer Loach stated: 'Hers [Mary's] was a triumph of the counties against the centre'.<sup>138</sup> Here, it is worth considering these licenses to retain in light of Anna Whitelock and Diarmaid MacCulloch's study of Mary's household affinity at this time. For them, the Marian affinity successfully mobilised 'friends, neighbours and kinsmen' in the early days of the *coup*.<sup>139</sup> This affinity had been built for several years with Catholicism central to the affinity's identity, as evident in an entry to London in 1551 when she was accompanied by her followers each holding 'a peyre of bedes of black [rosary beads]'.<sup>140</sup> Although rosary beads were primarily a religious symbol, they had the dual purpose of being 'a symbol of clientage akin to the livery chains worn around the necks of medieval knights indicating fidelity to their lord'.<sup>141</sup> Mary's local powerbase was under suspicion for several years. In July 1549, the Council under Somerset wrote to Mary complaining about her retainers attending seditious assemblies, singling out a chaplain in Devon and an individual called Pooley who was 'a leader of the worst sort of rebels in Suffolk'.<sup>142</sup> Mary also recognised the value of allowing certain close confidants the ability to retain beyond the terms of the statutes. In the first few months of her reign, Mary granted five licenses to close associates whose help was important in the crisis.<sup>143</sup>

The granting of licenses to retain, and Mary's use of her own affinity in the Succession Crisis of 1553, should be viewed in the longer English history of usurpations. Mary was the eldest surviving child of Henry VIII, but her succession was by no means certain. The events of 1553 were not a usurpation in the strictest sense of the term, but it was a coup designed to ensure Mary became queen as the eldest living child of Henry VIII. Unlike the Wars of the Roses, there were no major battles like Towton, Tewkesbury or Bosworth. Mary's show of force, underpinned by a combination of popular support and the ability to draw on a wider political affinity persuaded Northumberland and his supporters to surrender. Yet, not every violent change of regime required a pitched battle. The mobilisation of existing noble affinities was important when Henry IV and Richard III usurped the crown in 1399 and 1483 respectively. The same broad mechanisms were utilised to allow Mary to depose Lady Jane Gray and secure her position in 1553. Mary belongs in the tradition of medieval magnates such as Henry Bolingbroke and Edward, earl of March, who transitioned from powerful regional magnates to monarchs.<sup>144</sup> Northumberland's use of licenses to retain is the only blatant attempt to use this mechanism for faction building. The fact that it failed may have discouraged later courtiers from using this mechanism again. The use of retaining by both sides in the Succession Crisis can be summed up by noting that Northumberland used licenses to retain to create an artificial affinity which lost to the more traditional, even natural, regional affinity led by Mary.

## 12. Elizabeth I's attitude to retaining

Elizabeth I's attitude towards retaining sheds further light on how the crown used these licenses. Peter Roberts examined Elizabeth's attitude towards retaining in connection with wider concerns about vagrancy and wandering minstrels.<sup>145</sup> This is a

very different context to retaining than has normally been examined for the fifteenth century, which is indicative of the changing context in which retaining was perceived. In an article more in line with how fifteenth-century historians examine retaining, Simon Adams noted that 'Elizabeth I's hostility to retaining was open and consistent, but she thought to regulate by proclamation rather than by fresh legislation'.<sup>146</sup> This is part of a more general view of Elizabeth being distrustful of noble power. As Christopher Haigh noted: 'Elizabeth and her advisers kept a careful watch on existing peers' and that the queen wanted nobles to spend some time at court 'where she could keep an eye on them'.<sup>147</sup> Such impressions are evident in relation to licenses to retain. The fact that a list of those receiving licenses was drawn up, presumably on Cecil's instructions, fits with this general image.<sup>148</sup> Similarly, Elizabeth was more restrictive in her grants and the practice of issuing licenses to retain dwindled during her reign. No one received a license to retain 200 men and only six licenses were granted to retain 100 men, all of whom were peers.<sup>149</sup> This contrasts with eight licenses given by Mary that permitted the retaining of 100 men and 23 under Edward VI.

Several proclamations give a sense of Elizabeth's views of retaining. First, a proclamation from 2 September 1561 that expelled vagabonds and idle persons from the royal court with twenty-four hours' notice, which was so Elizabeth could 'follow the godly and honourable statutes and Ordinances of Household of her noble progenitors'. The proclamation also stated that no one of any estate 'henceforth keep any more number of persons or servants retaining unto them within the court that doth appertain unto them to do'.<sup>150</sup> This proclamation did not address retaining *per se*, but the associated practice of maintaining undesirable individuals within the household. Elizabeth's general view at that time is evident in a letter dated June of that year to the Justices of Assize instructing them not to retain the servants of other people.<sup>151</sup>

Two further proclamations were made explicitly about retainers. The first on 3 January 1572 directly addressed the problem of noble retainers in terms strikingly similar to what earlier kings noted. Illegal retaining was said to 'plainly hinder justice and disorder the good policy of the realm by maintenance of unlawful suits and titles and by stirring up and nourishing of factions, riots, and unlawful assemblies, the mothers of rebellion'.<sup>152</sup> The proclamation went on to state that the relevant penalties would be imposed after 20 February, implying that the statutes themselves had become dormant. Such an impression is corroborated in the records of the Queen's Bench from the years leading up to this proclamation, which include no cases of illegal retaining.<sup>153</sup> Hostility towards retaining was evident again in the June of that year when a bill prohibiting household servants or retainers from being Justices of the Peace or High Constables, had its third reading in parliament.<sup>154</sup> Eleven years later, on 19 April 1583, another proclamation against retainers noted that 'neither have the said laws hitherto been put in execution according to the said former proclamation'. The laws were therefore to be enforced after the final day of May in order 'to procure speedy reformation of so pernicious a sore in this commonwealth'.<sup>155</sup> The effectiveness of this proclamation is suggested in a letter from Viscount Montague later in 1583 dismissing a retainer after this proclamation.<sup>156</sup> On 2 May 1583, the earl of Hertford had a list drawn up of all of his retainers, arranged by county, presumably to ensure that he was adhering to the law.<sup>157</sup>

Elizabeth's two proclamations on retaining cited earlier statutes, in particular the act of 1487 that prohibited the retaining of royal tenants and the 1583 proclamation also referred to the act from 1468. New legislation does not seem to have been on Elizabeth's agenda, but rather ensuring that existing laws were upheld. No cases of illegal retaining have been identified for Elizabeth's reign, even after the Northern Rebellion of 1569.<sup>158</sup> This was even though dozens of retainers of the earls of Northumberland and Westmoreland were in Sir George Bowes' custody at Durham in January 1570.<sup>159</sup> There were cases against people for being vagabonds at this time which was connected to illicit retaining in Elizabeth's reign. Yet, these cases were from Middlesex rather than the northern counties.<sup>160</sup> This marks a contrast to the fifteenth century where there was some concern about illegal retaining in the wake of major rebellions, though the desire to enforce the law was often tempered with the need for reconciliation.<sup>161</sup> Similarly, in 1574, Elizabeth wrote to Henry, earl of Huntingdon, in his role as President of the Council of the North, requiring him to enquire into unlawful retaining because 'many ignorant people were led away by the leaders of the late rebellion in the North, through being retained as their servants', though no instances of illegal retaining have been identified.<sup>162</sup> This is the crucial difference in Elizabeth's reign when compared to earlier monarchs who are generally thought to have held hostile views of retaining, notably Henry VII. For Henry VII, there is plenty of evidence of indictments in the King's Bench which gives an insight into how royal policy was enacted.<sup>163</sup> A different type of evidence is needed to fully understand how Elizabeth's attitudes translated into practice. This returns to the licenses to retain during her reign. Elizabeth issued only two licenses after the proclamation in 1572: one to Edward, earl of Rutland on 27 February 1575 allowing him to retain 40 men and one to John Whitgift, archbishop of Canterbury ten years later, on 25 October 1585.<sup>164</sup> This drop off in the granting of licenses coincides with the note produced for Cecil in 1572 listing those who had been granted licenses.<sup>165</sup> The timing of the list's production and the proclamation against retainers suggests that there was a desire to understand the extent of licensed retainers, perhaps with the view of allowing the system to fall into abeyance. There is no definitive evidence on this, but the broad chronology is suggestive. Furthermore, in 1592 Gilbert Talbot, earl of Shrewsbury, wrote to William Cecil, lord Burghley, requesting such a license.<sup>166</sup> There is no evidence that such a licence was granted which further suggests that such practices were increasingly outdated towards the end of the sixteenth century.

Although Elizabeth was more hesitant than Edward VI and Mary to license retaining, that does not mean that she was necessarily anti-noble in her outlook.<sup>167</sup> The extent to which retaining was on the decline during Elizabeth's reign is uncertain. Several studies have suggested that it remained part of the fabric of noble society but until a full-scale study has been undertaken, this is only speculation. Elizabeth was more reluctant than her two half-siblings to give nobles the ability to increase their private power through licenses to retain. Yet, this does not mean she was anti-noble, but that she was keen to prevent nobles becoming too powerful. By the late sixteenth century, being anti-retaining was not the same as being anti-noble.

### 13. Epilogue: a seventeenth-century license

The license to retain was not ended by Elizabeth. As a sign of favour to Ludovick, duke of Lennox, on 6 August 1603, the new king, James I granted the duke the

manors of Settrington, Temple-Newton and Wensleydale along with a £600 annual pension. Three days later, Lennox received a set of documents from the Lord Chancellor, including confirmation of fees, allowances and charters along with a 'warrant to make denizens on reasonable fines.' More importantly, he was also given 'license to keep a certain number of retainers'.<sup>168</sup> The grant has gone largely unnoticed, even though it gives an insight into the first Stuart king's views of retaining evident elsewhere such as his instructions to the Council of the North and to President and Council of Wales to ensure illicit retaining was not happening.<sup>169</sup> In this respect, James I was keen to ensure that retaining was kept under control but that certain favourites could retain beyond the statute. James was a foreign king and, as Jenny Wormald noted, his reign in England cannot be understood without considering his career as king of Scots.<sup>170</sup> In Scotland, there was no system of licensed retinues as there was in England. There were concerns about nobles enhancing their private power through bonds of manrent (which denoted service between lords and men in Scotland) and friendship which were covered by legislation, but no system of licensing them.<sup>171</sup> It is uncertain whether James I's grant should be viewed as a continuation of concerns of late medieval kings about the conduct of noble retinues, or if it should be viewed as an extension of the king's reign in Scotland which was characterised by concerted efforts against feuding.<sup>172</sup> The unusual aspect of the licenses further points towards the waning of retaining as an issue by the seventeenth century.

It is in this context that the decision of the 1628 parliament to repeal all retaining laws, and by implication end of the practice of granting licenses to retain, should be viewed.<sup>173</sup> Retaining was integral to the exercise of noble power in the later Middle Ages and even into the sixteenth century, but was evidently not considered a threat by 1628. When a list of the various laws about retainers was compiled in the late seventeenth, or early eighteenth century, the acts were a matter of historical interest rather than a pressing concern.<sup>174</sup> The decline of retaining, and royal concerns about it, during the seventeenth century should be viewed as part of a wider shift in the nature of aristocratic power. John Adamson demonstrated the role of medieval precedents and ideas in the seventeenth century, noting their importance in rebellions against Charles I, with the military power of the nobility broken in the 1650s to the point that a foreign army was used in the 1688 Revolution that deposed James II. For Adamson, 'in 1640, as in 1340, generalship of armies in the field had been seen as the natural concomitant of noble status; by 1700, it had become the forlorn last choice of the noble younger son too stupid to find another more lucrative career'.<sup>175</sup>

#### 14. Conclusion

Michael Hicks noted that 'the age of Bastard Feudalism was merely a middle phase in a thousand years of aristocratic domination of politics' from the reign of King Alfred in Wessex until the Victorian era.<sup>176</sup> Hicks was clear not to adopt a deterministic perspective that viewed bastard feudalism as one phase in an inevitable evolution from early medieval kingdoms to modern democracies. The practice of retaining large numbers of servants and followers emerged from a particular set of social and political circumstances around the thirteenth century and reached their highpoint in the fifteenth century. Noble power was not crushed at the end of the fifteenth century and retaining remained a means of exercising it. This article has considered the continued necessity

of bastard feudal affinities in the mid sixteenth century using licenses to retain which represent how the crown viewed the private power of the aristocracy. These sources differ from the legislation and indictments that historians of the fifteenth and early sixteenth century have drawn upon. Thus far, no significant cases of illicit retaining have been found for the reigns of Edward VI, Mary and Elizabeth. Later Tudor monarchs were keen to ensure their closest supporters could retain categories of servants beyond those permitted by earlier legislation. The crown thus tried to build the private power of select individuals to serve the needs of the crown, most often for domestic security. Consequently, licenses to retain were a logical tactic for faction building, even if the duke of Northumberland ultimately failed. Northumberland was attempting a court coup while Mary was able to draw on an extensive regional affinity which makes the events of 1553 a final example of the type of usurpation that had happened several times since 1399. Elizabeth I was more restrictive in granting licenses to retain since these tapered off during her reign. The noble affinity still existed in the late sixteenth century, but Elizabeth did not allow as many individuals to increase their followings in the way that her siblings had done. Indeed, this evidence suggests that it was Elizabeth I, not Henry VII, who was the English monarch most opposed to noble retaining.

Licenses to retain were not the product of anti-noble policies of the Tudors, though they do reflect a desire for control and oversight. In fact, they were the opposite because they permitted selected nobles to expand their power and influence through an increased number of retainers. There is no single reason that explains why all 138 licenses surveyed here were granted other than the monarch, or someone working on their behalf like Northumberland in 1553, deemed it beneficial. Indeed, the crucial point is that such grants were discretionary. The system was flexible and could be honorific in some cases but also used for factional building, depending on circumstances. The only common feature across all licenses was that the crown believed the recipient's retaining was beneficial for the crown. Rather than restricting retaining, licenses granted by Tudor monarchs wanted more retaining; but only when it suited their interests.

This analysis of licenses to retain has demonstrated the continuity in royal attitudes to noble power through the traditional dividing lines between the medieval and early modern eras. Retaining was one of the key vehicles through which the late medieval English nobility wielded power and influence but this could never go unchecked. Tudor monarchs wanted to ensure they could exercise authority over their nobles, but this was hardly a novel objective and their attitude towards retaining, or baronial power more generally, was very similar to their medieval predecessors. Licensed retinues were not about curbing noble power, but it was a new mechanism for the crown to continue a centuries old policy of ensuring that noble power was harnessed for the benefit of royal government.

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## Notes

- 1 *Calendar of Patent Rolls preserved in the Public Record Office* (hereafter CPR), 77 vols. (London, 1893–1966), 1549–1551, 326–7; CPR, 1550–1553, 7, 26–7.
- 2 John Gough Nicholas ed., *The literary remains of King Edward VI* (London, 1858), 256.
- 3 There were four licenses to retain fifty men granted that day. One license was granted to Sir William Bromley to retain twenty men and one was granted to Sir Maurice Berkeley for thirty men.
- 4 Dale Hoak, *The King's Council the reign of Edward VI* (Cambridge, 1976), 60–6 provides the best discussion of Dudley's influence on the privy council at this point.
- 5 Christopher Given-Wilson et al. eds., *Parliamentary Rolls of medieval England*, 16 vols. (Woodbridge, 2005), xvi, 365–7.
- 6 Gordon McKelvie, *Bastard feudalism, English society and the law: the statutes of livery, 1390–1520* (Woodbridge, 2020).
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- 17 Alan Cameron, 'The giving of livery and retaining in Henry VII's reign', *Renaissance & Modern Studies* **18** (1974), 17–35; M. A. Hicks, 'The 1468 statute of livery', *Historical Research* **44** (1991), 15–38; Dominic Lockett, 'Crown office and licensed retainers in the reign of Henry VII', in Rowena E. Archer and Simon Walker eds., *Rulers and ruled in late medieval England* (London, 1995), 223–38; McKelvie, *Bastard feudalism*, 70–8; James Ross, 'Lord Bergavenny's illegal retaining revisited, 1501–1522', *Historical Research* **94** (2021), 675–94.
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- 22 Cooper, 'Retainers in Tudor England', 78.
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- 28 Bernard, 'Introduction', 39.
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- 30 Steven Gunn, 'The accession of Henry VIII', *Historical Research* 64 (1991), 286; James Ross, *John de Vere, thirteenth earl of Oxford (1442–1513): 'the foremost man of the kingdom'* (Woodbridge, 2011), 142.
- 31 *Report 24: manuscripts of His Grace the Duke of Rutland*, Historical Manuscript Commission, iv (1908), 559–66. On Lovell's role in the early Tudor regime see Steven Gunn, 'Sir Thomas Lovell (c. 1449–1524): a new man for a new monarchy?', in John L. Watts ed., *The end of the Middle Ages? England in the fifteenth and sixteenth Centuries* (Stroud, 1998), 117–53.
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- 33 TNA, KB9/436 ms. 8, 14.
- 34 McKelvie, *Bastard feudalism*, 90, 109, 138.
- 35 See for instance: T. B. Pugh, 'Henry VII and the English nobility', in G. W. Bernard ed., *The Tudor nobility* (Manchester, 1992), 71.
- 36 S. T. Bindoff, *Tudor England* (Harmondsworth, 1950), 29; H. M. Colvin, 'Castles and government in Tudor England', *English Historical Review* 83 (1968), 225–34; G. R. Elton, 'Presidential address: Tudor government: the points of contact. III. the court', *Transactions of the Royal Historical Society* 26 (1976), 212; Anthony Goodman, *The new monarchy: England, 1471–1534* (Oxford, 1988), 52.
- 37 Gordon McKelvie, 'Henry VII's letter to Carlisle in 1498: his concerns about retaining in a border fortress', *Northern History* 54 (2017), 159–61; James Ross, 'A governing elite? the higher nobility in the Yorkist and early Tudor period', in Hannes Kleineke and Christian Steer eds., *The Yorkist age: proceedings of the 2011 Harlaxton Symposium* (Donnington, 2013), 95–115. For a recent case study that challenges the anti-noble thesis in relation to the royal court see: James Ross, 'Alienated outsider or integrated courtier? Edward Stafford, third duke of Buckingham, 1498–1521 and the royal court', *History* 108 (2023), 20–40.
- 38 McKelvie, *Bastard feudalism*, 209.
- 39 Ross, 'Lord Bergavenny's illegal retaining', 694.
- 40 Staffordshire County Record Office, D1789/H.M.Aston/41/6; *Letters and Papers* (hereafter L&P), *Henry VIII*, xvi, no. 1135 (14).
- 41 Longleat House, DU/Box II/2, DU/Box III/15; *CPR, 1547–1553*, 79; *CRP, 1563–1566*, 100.
- 42 Hampshire Record Office, 44M69/L49/73; *CPR, 1555–1557*, 281.
- 43 British Library London (hereafter BL), Lansdowne MS14/1, fols. 2–4. The document has been cited before but there has been no analysis of it: Simon Adams ed., *Household accounts and disbursement books of Robert Dudley, earl of Leicester, 1558–1561, 1584–1586*, Camden 5th series, vi (1995), 22 en. 94.
- 44 The license granted to Sir Robert Brooke, chief justice of common pleas, to retain ten men (TNA, C66/899 m. 17) was missed in the calendared version of the patent rolls but a transcription can be found in Dunham, *Hastings indentured retainers*, 155–6.



- 45 CPR, 1560–1563, 271; CPR, 1566–1569, no. 1009.
- 46 CPR, 1555–1557, 280; CPR, 1557–1558, 192–3; CPR, 1560–1563, 334.
- 47 CPR, 1557–1558, 306. The figure of 200 men is also given in the manuscript: TNA, C66/930 m. 39; BL, Lansdowne MS14/1, fol. 2d.
- 48 Cooper, 'Retainers in Tudor England', 85.
- 49 *L&P, Henry VIII*, xxi part 1, no. 122.
- 50 Technically, it was illegal for someone to retain more than the specified number, but there are no known indictments for such an offense.
- 51 CPR, 1547–1548, 249; CPR, 1549–1551, 335.
- 52 CPR, 1553–1554, 174; CPR, 1553–1554, 390; CPR, 1557–1558, 306.
- 53 TNA, C66/855 m. 14. There is an error in the calendar entry for this grant, which states it was given to his brother Thomas Throckmorton (CPR, 1547–1553, 92). For other examples that include this clause in the manuscript but not in the calendars see: TNA, C66/845 ms. 8, 9, 39–40; TNA, C66/855 ms. 14, 24–5, 27–9. TNA, C66/930 ms. 46–7; TNA, C66/935 ms. 29–30.
- 54 *PROME*, xv, 375–6; McKelvie, *Bastard feudalism*, 215–16.
- 55 Bryson, 'Edward VI's "Special Men"', 231; John Guy, *Tudor England* (Oxford, 1988), 166–8.
- 56 CPR, 1549–1551, 326–7; CPR, 1550–1553, 7, 26–7.
- 57 TNA, C66/845 m. 9.
- 58 CPR, 1547–1553, 79; CPR, 1563–1566, 100.
- 59 *Household accounts and disbursement books of Robert Dudley*, 422–8.
- 60 CPR, 1560–1563, 334.
- 61 CPR, 1547–1548, 249.
- 62 Barret L. Beer, 'Seymour, Edward, duke of Somerset [known as Protector Somerset]', *Oxford Dictionary of National Biography*, <https://doi.org/10.1093/ref:odnb/25159>.
- 63 John Roach Dasent ed., *Acts of the Privy Council of England, volume 2: 1547–1550* (London, 1890), 427; CPR, 1549–1551, 335.
- 64 The figure for knights includes one joint license given to Lady Jane Dormor and her son Sir William Dormor in 1556: CPR, 1555–1557, 510. The figure for esquires includes one joint license given to the esquire Thomas Babington of Kiddington, along with his son William in 1558: CPR, 1557–1558, 311.
- 65 McKelvie, *Bastard feudalism*, 112–17.
- 66 CPR, 1550–1553, 26.
- 67 CPR, 1549–1551, 327; CPR, 1550–1553, 26, 285; CPR, 1555–1557, 66–7, 281; *L&P, Henry VIII*, vol. 16, no. 1135 (14).
- 68 CPR, 1549–1551, 327; CPR, 1560–1563, 510.
- 69 CPR, 1555–1557, 280–1.
- 70 For 'king's councillor', see CPR, 1549–1551, 32; CPR, 1550–1553, 26; For 'king's servant', see CPR, 1547–1553, 254; CPR, 1549–1551, 327; CPR, 1550–1553, 26, 77.
- 71 CPR, 1555–1557, 516–17.
- 72 CPR, 1540–1553, 26.
- 73 CPR, 1555–1557, 280.
- 74 Steven J. Gunn, David Grummitt and Hans Cools, *War, state and society in England and the Netherlands, 1477–1559* (Oxford, 2007), 138–42. On retaining in a military context during Elizabeth's reign see: Simon Adams, 'The gentry of north Wales and the Earl of Leicester's expedition to the Netherlands, 1585–1586', *Welsh History Review* 6 (1974), 129–47; Simon Adams, 'A Puritan crusade? The composition of the Earl of Leicester's expedition to the Netherlands, 1585–1586', in Paul Hofthijzer ed., *The Dutch in crisis, 1585–1588: people and politics in Leicester's time* (Leiden, 1988), 7–34.
- 75 TNA, E101/59/5.
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- 77 Steven Gunn, *The English people at war in the age of Henry VIII* (Oxford, 2018), 31.
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- 79 C. S. L. Davies, 'Provision for armies, 1509–1550: a study in the effectiveness of early Tudor government', *Economic History Review* 17 (1964), 234; Neil Murphy, *The Tudor occupation of Boulogne: conquest, colonisation and imperial monarchy, 1544–1550* (Cambridge, 2019), 1.
- 80 Marcus Merriman, *The rough wooings: Mary Queen of Scots, 1542–1551* (East Linton, 2000), 14.

- 81** For the quotations from this license in this paragraph, see: *The manuscripts of Lord Middleton, preserved at Wollaton Hall*, Historical Manuscript Commission, vol. 69 (1911), 131–2.
- 82** The more immediate nature of this type of document meant that it was a mechanism that could expedite the transfer of legal cases between courts: Laura Flannigan, ‘Signed, stamped and sealed: delivering royal justice in early sixteenth-century England’, *Historical Research* **94** (2021), 267–81.
- 83** Neil Murphy, ‘Henry VIII’s first invasion of France: the Gascon expedition of 1512’, *English Historical Review* **130** (2015), 33; *The manuscripts of Lord Middleton, preserved at Wollaton Hall*, Historical Manuscript Commission, vol. 69 (1911), 126–7. For Willoughby’s career see: S. J. Payling, ‘Willoughby Family (per. 1362–1528)’, *Oxford Dictionary of National Biography* <https://doi.org/10.1093/ref:odnb/52802>.
- 84** *The manuscripts of Lord Middleton, preserved at Wollaton Hall*, Historical Manuscript Commission, vol. 69 (1911), 128.
- 85** TNA, KB27/985, fine, rex rott, 7–8. For the most recent discussions of this infamous case, see McKelvie, *Bastard feudalism*, 95–6; Ross, ‘Lord Bergavenny’s illegal retaining’, 675–94.
- 86** *L&P*, i, no. 1365.
- 87** Ross, ‘Lord Bergavenny’s illegal retaining’, 691.
- 88** Norris, ‘Earl of Rutland’s Men-at-Arms’, 100–1.
- 89** *Literary remains of Edward VI*, ii, 298–9.
- 90** *CPR, 1549–1551*, 312.
- 91** TNA, E351/530 m. 3; David Grummitt, *The Calais garrison: war and military service in England, 1436–1558* (Woodbridge, 2008) 50.
- 92** C. S. Knight, ‘Broke, George, ninth Baron Cobham (c. 1497–1558)’, *Oxford Dictionary of National Biography*, <https://doi.org/10.1093/ref:odnb/70783>.
- 93** Norris, ‘Earl of Rutland’s men-at-arms’, 100–16.
- 94** *Ibid.*, 105.
- 95** *CPR, 1563–1566*, no. 1057.
- 96** *CPR, 1550–1553*, 26.
- 97** *CPR, 1549–1551*, 312.
- 98** *CPR, 1549–1551*, 252.
- 99** *CPR, 1560–1563*, 239.
- 100** *CPR, 1560–1563*, 338.
- 101** *CPR, 1560–1563*, 334 *CPR, 1572–1575*, 411. This is presumably Carisbrooke Castle on the Isle of Wight.
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- 108** *CPR, 1549–1551*, 327.
- 109** *CPR, 1553–1554*, 174; *CPR, 1569–1572*, no. 2698.
- 110** *CPR, 1555–1557*, 547.
- 111** *CPR, 1553–1554*, 321.
- 112** *CPR, 1558–1560*, 352.
- 113** *CPR, 1550–1553*, 27.
- 114** McKelvie, *Bastard feudalism*, 125–30, 181–201; Michael Jones and Simon Walker, ‘Private indentures for life service in peace and war’, *Camden Miscellany*, xxxii (London, 1994), no. 181.
- 115** *L&P, Henry VIII*, vol. 17, no. 553.

- 116 *L&P, Henry VIII*, vol. 17, no. 1251 (24).
- 117 *CPR, 1560–1563*, 271.
- 118 *CPR, 1566–1569*, no. 1009.
- 119 BL, Lansdowne MS, 14/1, fol. 2–4.
- 120 *Journal of the House of Lords: volume 1, 1509–1577* (London, 1767), 222, 233, 253, 383–4, 389.
- 121 For an overview of the events see: David Loades, *Mary Tudor* (Oxford, 1989), 169–222.
- 122 Loach, *Edward VI*, 159–69.
- 123 John Roach Dasent ed., *Acts of the Privy Council, 1552–1554, volume 4: 1552–1554* (London, 1892), 266–7.
- 124 *Acts of the Privy Council, 1552–1554*, 274, 278,
- 125 *CPR, 1547–1553*, 42–3.
- 126 These were Sir Ralph Sadler on 27 August 1541 (*L&P, Henry VIII*, xvi, no. 1135 (14)), Sir William Petre (*CPR, 1549–1551*, 327) and Nicholas Wotton (*CPR, 1550–1553*, 27), both on 12 April 1550.
- 127 *Literary remains of Edward VI*, ii, 573.
- 128 *CPR, 1547–1553*, 92, 99–101, 298.
- 129 *CPR, 1547–1553*, 78–9; *CPR, 1547–1553*, 253–4.
- 130 *CPR, 1547–1553*, 78–9.
- 131 *CPR, 1549–1551*, 327.
- 132 Loades, *Northumberland*, 253.
- 133 This is taken from Hoak, *King's Council in the reign of Edward VI*, 54 (Table 6).
- 134 *CPR, 1555–1557*, 47, 294.
- 135 *CPR, 1549–1551*, 326–7, 416. Walter Devereux, viscount Hereford, was granted a license slightly later on 27 May.
- 136 *CPR, 1550–1553*, 285.
- 137 *CPR, 1550–1553*, 285.
- 138 Loach, *Edward VI*, 170.
- 139 Anna Whitelock and Diarmaid MacCulloch, 'Princess Mary's household and the Succession Crisis, July 1553', *The Historical Journal* 50 (2007), 265–87, quotation on 268. See also: Loades, *Mary Tudor*, 171–222.
- 140 J. G. Nichols ed., *The diary of Henry Machyn, citizen and merchant-taylor of London, 1550–1563* (London, 1848), 20.
- 141 Whitelock and MacCulloch, 'Princess Mary's household', 272.
- 142 Robert Lemon ed., *Calendar of State Papers Domestic: Edward VI, Mary and Elizabeth, 1547–1580* (London, 1856), 20.
- 143 *CPR, 1553–1554*, 174 (to Stephen Gardiner, bishop of Winchester), 321 (to Nicholas Heath, bishop of Worcester), 390 (Henry, earl of Arundel and Sir William Petre), 409 (William, Lord Paget).
- 144 It is noteworthy that the title given to the years covering Edward VI's reign in Loades' biography of Mary is 'Conservative Magnate' indicating her continued adherence to Catholicism and her role as a powerful secular figure: Loades, *Mary Tudor*, 134–70.
- 145 Roberts, 'Elizabethan players and minstrels', 29–55.
- 146 Adams, 'Baronial contexts?', 168.
- 147 Christopher Haigh, *Elizabeth I* (New York, 1988), 55.
- 148 BL, Lansdowne MS14/1, fols. 2–4.
- 149 *CPR, 1560–1563*, 239 (Edward Fynes, lord Clynton and Say); *CPR, 1563–1566*, nos. 1055, (George, earl of Shrewsbury), 1058 (Robert Dudley, earl of Leicester), 1694 (Thomas, duke of Norfolk); *CPR, 1566–1569*, no. 1141 (Thomas, earl of Sussex); *CRP, 1569–1572*, nos. 1803 (Henry, earl of Pembroke).
- 150 *Tudor royal proclamations*, ii, 173.
- 151 *Calendar of State Papers Domestic: 1547–1580*, 178.
- 152 *Tudor royal proclamations*, ii, no. 582.
- 153 TNA, KB29/206; TNA, KB29/207; TNA, KB29/208; TNA, KB29/209.
- 154 *Journal of the House of Lords: volume 1, 1509–1577* (London, 1767), 721–2.
- 155 *Tudor royal proclamations*, ii, no. 664.
- 156 Adams, 'Baronial contexts?', 168 citing Henry E. Huntington Library, San Marino Ca., Battle Abbey MS 56, f. 6.

- 157 *Report on the manuscripts of the Marquess of Bath IV: Seymour Papers, 1532–1686*, Historical Manuscript Commission (London, 1968), 198–9.
- 158 TNA, KB29/207; TNA, KB29/208.
- 159 *Calendar of State Papers Domestic: 1547–1580*, 174.
- 160 TNA, KB29/207 rots. 63d, 80, 92; TNA KB29/208 rots. 15, 83d.
- 161 McKelvie, *Bastard feudalism*, 205.
- 162 *Calendar of State Papers Domestic: Elizabeth, Addenda, 1566–1579*, 466; TNA, KB29/210.
- 163 Cameron, 'The giving of livery and retaining in Henry VII's reign', 17–35; McKelvie, *Bastard feudalism*, 70–8; Ross, 'Lord Bergavenny's illegal retaining', 675–94.
- 164 *CPR, 1575–1578*, no. 2562; *CPR, 1584–1585*, no. 908.
- 165 BL, Lansdowne MS, 14/1, fol. 2–4.
- 166 Cooper, 'Retainers in Tudor England', citing 'College of Arms, Talbot MSS'.
- 167 Margaret Scard, 'The Elizabethan nobility: a recount and reassessment of Elizabeth's reasons for creating noblemen', *History* 106 (2021), 24–47.
- 168 Mary Anne Everett Green ed., *Calendar of State Papers Domestic: Elizabeth, Addenda, 1580–1625* (London, 1872), 427 (no. 32).
- 169 *Constitutional documents, James I*, 377, 382, 386. The document is not mentioned in a recent biography of Lennox: David M. Bergeron, *The Duke of Lennox, 1547–1624: a Jacobean courtier's life* (Edinburgh, 2022).
- 170 Jenny Wormald, 'James VI and I: two kings or one?', *History* 68 (1983), 187–209.
- 171 There is no dedicated study of these Scottish acts. For a brief discussion see: Jenny Wormald, *Lords and men in Scotland: bonds of manrent, 1442–1603* (Edinburgh, 1985), 44–6, 96–7, 132–3.
- 172 Keith M. Brown, *Bloodfeud in Scotland, 1573–1625: violence, justice and politics in an early modern society* (Edinburgh, 1986).
- 173 *Statutes of the Realm*, 11 vols. (London, 1810–1828), v, 27–30; McKelvie, *Bastard feudalism*, 202–3.
- 174 TNA, SP9/37 no. 8. The document is undated and survives in the papers of Sir John Williamson, Keeper of the State Papers (1661–1702).
- 175 J. S. A. Adamson, 'The baronial context of the English Civil War', *Transactions of the Royal Historical Society* 40 (1990), 93–120, quotation on 119–20.
- 176 Hicks, *Bastard feudalism*, 218.

### French Abstract

Les médiévistes ont montré, pour la fin du Moyen Âge, qu'engager des gens à son service était pratique d'importance au cœur du fonctionnement de la société politique anglaise, aux XIV<sup>e</sup> et XV<sup>e</sup> siècles. Les historiens ont également démythifié l'idée selon laquelle Henri VII aurait cherché à mettre fin aux recrutements de personnel en nombre effectués par les nobles. Les chercheurs ont aussi mis en évidence que ces usages se sont de fait poursuivis tout au long du XVI<sup>e</sup> siècle. Cependant, personne n'avait encore étudié les séries de licences accordées, par Édouard VI, Mary I<sup>re</sup> et Elizabeth I<sup>re</sup>, à des bénéficiaires triés sur le volet, leur permettant d'engager, dans leur train de maison, de fidèles domestiques qui appartenaient à d'autres catégories de service que celles jusque-là tolérées précisément par la législation royale antérieure. Ces licences constituent une source unique et peu explorée. Les données nous permettent de soulever, pour la période moderne, des questions jusque-là posées par les médiévistes. Le présent article examine 138 licences émises entre 1541 et 1585. Différents modèles de permissions sont identifiés, ce qui mène à mieux comprendre quel rôle ces licences avaient pu jouer, au milieu du XVI<sup>e</sup> siècle, pour la couronne, par le fait d'autoriser divers membres de petite et haute noblesse à engager quantité de serviteurs. De fait, les motifs de ces privilèges accordés variaient et ceux qui en bénéficiaient étaient par là-même considérés comme utiles à la couronne pour diverses raisons. Voilà qui illustre un

maintien de collaboration continue entre couronne et noblesse en plein XVI<sup>e</sup> siècle. Ce faisant, l'article met l'accent sur ce qu'impliquaient ces licences si l'on veut mieux comprendre l'attitude de la couronne anglaise à l'égard du pouvoir privé des nobles et de la *gentry* sur la longue durée.

### German Abstract

Historiker des Spätmittelalters haben gezeigt, dass Gefolgschaftsbeziehungen von zentraler Bedeutung für die politische Gesellschaft Englands im 14. und 15. Jahrhundert waren. Sie haben außerdem den Mythos widerlegt, dass Heinrich VII. versucht habe, den Aufbau adliger Gefolgschaftsbeziehungen zu beenden und gezeigt, dass solche Praktiken bis ins 16. Jahrhundert fortbestanden. Gleichwohl gibt es bislang keine eingehende Untersuchung über die Konzessionen, mit denen Eduard VI., Maria I. und Elisabeth I. es ausgewählten Einzelnen ermöglichten, Gefolgschaftsnetze zu knüpfen, die über die in früheren Gesetzen festgelegten Kategorien von Dienstleuten hinausgingen. Diese Konzessionen sind eine einzigartige und bisher nicht erschlossene Quelle, die es uns erlaubt, normalerweise von Mediävisten gestellte Fragen auch für die Frühe Neuzeit aufzuwerfen. Dieser Aufsatz untersucht 138 zwischen 1541 und 1585 erteilte Konzessionen und arbeitet heraus, welche Muster solche Bewilligungen besaßen und welche Rolle ihnen zukommt, wenn wir verstehen wollen, welchen Nutzen die Krone um die Mitte des 16. Jahrhunderts aus der Gefolgschaftsbildung im hohen und niederen Adel zog. Die Gründe waren für jede einzelne Konzession durchaus unterschiedlich, aber alle Begünstigten wurden aus unterschiedlichsten Gründen als nützlich für die Krone erachtet, was die anhaltende Zusammenarbeit zwischen Krone und Hochadel im 16. Jahrhundert unterstreicht. Der Aufsatz betont durchgehend, welche Bedeutung den Gefolgschaftskonzessionen für unser Verständnis der langfristigen Haltung der englischen Krone gegenüber der privaten Macht von hohen und niederen Adligen zukommt.